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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,113	09/18/2003	Gabriele Barlocchi	854063.552D1	2816
500 7590 02/05/2009 SEED INTELLECTUAL PROPERTY LAW GROUP PLLC 701 FIFTH AVE SUITE 5400 SEATTLE, WA 98104				
EXAMINER				
ERDEM, FAZLI				
ART UNIT		PAPER NUMBER		
2826				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/667,113

Applicant(s)

BARLOCCHI ET AL.

Examiner

FAZLI ERDEM

Art Unit

2826

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-13, 19, 21 and 28-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-13, 19, 21 and 28-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments, filed 10/31/2008, with respect to drawing objections under 37 CFR 1.83(a) and claim rejections under 35 USC 112 have been fully considered and are persuasive. The drawing objections under 37 CFR 1.83(a) and claim rejections on claims 8-13 under 35 USC 112 have been withdrawn.

Applicant's arguments filed 10/31/2008 and particularly regarding newly added limitation "cavity having walls and a closed bottom", have been fully considered but they are not persuasive. Sidner et al. reference discloses a semiconductor structure where in Figs. 2E and 2G, cavity 32 has "walls" and a "closed bottom".

Applicant's arguments filed 10/31/2008 and particularly regarding compatibility of Sidner and Mirza references have been fully considered but they are not persuasive. Both Sidner and Mirza references disclose semiconductor sensor devices and hence they would be compatible to combine.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 8-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sidner et al (4,945,769) in view of Mirza et al. (5,883,420).

Regarding Claim 8, Figs. 2E and 2G disclose a structure formed in a substrate of monolithic semiconductor material 20, the structure comprising: at least one trench 26 formed in the substrate, the at least one trench having an open top and an open bottom, a cavity having walls formed below each at least one trench and a cavity 32 having walls and a closed bottom formed below each of at least one trench and having an open top in communication with the open bottom of the at least one trench, an epitaxial layer 14 formed in communication with the open bottom of the at least one trench, and a coating on the walls and closed bottom of the cavity with material inhibiting epitaxial growth; and an epitaxial layer 14 of semiconductor material formed on the substrate 20 to cover the open top of the trench and an epitaxial portion formed in the at least one trench to fill the at least one trench and to encase the cavity in the substrate. Sidner et al. fail to disclose the required coating on the walls of the cavity. However, Mirza et al. disclose a semiconductor device where in Figs. 1-3, cavity 13/14 has coating 19 on the walls.

It would have been obvious to one of having ordinary skill in the art at the time the invention was made to include the required coating on the walls of cavity in Sidner et al. as taught by Mirza et al. in order to have a semiconductor device with better insulation and reliability.

Regarding Claim 9, Figs. 1-3 of Mirza et al. disclose plurality of cavities 13/14.

Regarding Claim 10, Mirza et al. disclose the formation of cavities at different levels as disclosed in column 2

Regarding Claim 11-13, Mirza et al. disclose different cross-sectional configurations in column 2.

3. Claims 28, 29, 32 and 33 rejected under 35 U.S.C. 102(b) as being anticipated by Mirza et al. (5,883,420).

Regarding Claim 28, in Figs. 1-3, Mirza et al. disclose a wafer of monolithic monocrystalline semiconductor material 11, comprising a plurality of buried cavities 13/14, each cavity completely surrounded by said monolithic monocrystalline material 11 and each cavity having walls and a closed bottom19 covered with a single coating formed of a layer of material inhibiting epitaxial growth, the plurality of I buried cavities positioned adjacent to each other and separated from each other by dividers, 19.

Regarding Claim 29, layer 19 is oxide.

Regarding Claim 32, in Figs. 1-3, Mirza et al. disclose a monolithic wafer of monocrystalline semiconductor material 11, comprising a plurality of buried trenches and cavity pairs each 13/14, each trench filled with monocrystalline material, each cavity completely surrounded by said monocrystalline material and having walls and a closed bottom19 that are covered with a single coating that is formed of a layer of material inhibiting epitaxial growth, the plurality of buried cavities positioned at different heights within the wafer of monocrystalline semiconductor material as disclosed in column 2.

Regarding Claim 33, layer 19 is oxide.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 30, 31, 34 and 35 rejected under 35 U.S.C. 103(a) as being unpatentable over Mirza et al. (5,883,420) in view of Beyer et al. (4,528,047)

Regarding Claims 30, 31, 34 and 35, in Figs. 1-3, Mirza et al. discloses a monolithic/monocrystalline wafer of semiconductor material 11, comprising: a plurality of buried cavities 13/14 formed in and completely surrounded by the monolithic semiconductor material 11, each cavity of the plurality of buried cavities having only one coating 19 on at least one wall thereof consisting of a layer of oxide material inhibiting epitaxial growth. Mirza et al. fail to disclose the cavity/trench coat/liner structures to be TEOS or nitride. However, Beyer et al. disclose a method for forming a void-free isolation structure utilizing etch and refill techniques where in Figs. 3 and 4, nitride coat/liner 30 and TEOS coat/liner 31 are disclosed.

It would have been obvious to one of having ordinary skill in the art at the time the invention was made to include the required nitride/TEOS liner/coat in Mirza et al. as taught by Beyer et al. in order to have a semiconductor structure with better isolation.

1. Claims 19 and 31 rejected under 35 U.S.C. 103(a) as being unpatentable over Mirza et al. (5,883,420) in view of Sidner et al. (4,945,769)

Regarding Claim 19, in Figs. 1-3, Mirza et al. disclose a structure formed in a substrate of monolithic semiconductor material 11, the structure comprising: a cavity 13/14 formed in and surrounded by the monolithic semiconductor material, the monolithic semiconductor material 11 comprising a membrane 17 formed on the semiconductor material 11. Mirza et al. fail to disclose the membrane have the required distance. However, Sidner et al. disclose a semiconductor device where in Fig. 1, semiconductor substrate 12 having membrane portion 14 monolithically integrated and part of the semiconductor substrate 12 having a thickness of between 1-10 microns.

It would have been obvious to one of having ordinary skill in the art at the time the invention was made to include the required membrane portion in Mirza et al. as taught by Sidner et al. in order to have a semiconductor sensor structure with ease of manufacture and reduced geometry.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FAZLI ERDEM whose telephone number is (571)272-1914. The examiner can normally be reached on M - F 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sue Purvis can be reached on (571) 272-1236. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FE
January 27, 2009

/Sue A. Purvis/

Supervisory Patent Examiner, Art Unit 2826